by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him; or

(b) in the case of a statement made by such person after his arrest if it appears to the court that the statement was not made and recorded substantially in compliance with the provisions of the rules set out in Schedule E to this Code."

We are not pursuaded that the trial judges on the evidence before them exercised their discretion wrongly or in any manner which was contrary to law. The issue as to admissibility was fully canvassed before them at the trial within a trial which lasted several days. In those circumstances this court as an appellate tribunal, not having the benefit of seeing and hearing the witnesses called to testify on this issue, is precluded from interfering with the trial court's exercise of its discretionary powers, unless convinced that there was no proper or sufficient evidence to support the trial court's decision or unless it is satisfied that the trial court acted on wrong principles.

The appeals of all the three appellants against their convictions under sections 364 and 302 of the Penal Code fail and are accordingly dismissed. Their conviction under section 386 of the Penal Code is quashed.

Appeals against convictions under sections 364 and 302 dismissed. Conviction under section 386 quashed.

Solicitors: *Ironside & de Souza; Mallal & Namazie; Loganathan & Co.*

MEASOR & ANOR. v. PUBLIC PROSECUTOR

[O.Cr.J. (Choor Singh J.) March 3, 1972]

[Singapore — Criminal Motion No. 9 of 1972]

Criminal Law and Procedure — Transfer of cases — Powers of High Court — Criminal Procedure Code (Cap. 113, 1970 Ed.), s. 177(1) (b) and (e).

This was an application to transfer three arrest cases and five summons cases from the First District Court to the High Court.

The application was made on two grounds: (a) that questions of law of unusual difficulty were likely to arise in those proceedings before the First District Court, and (b) that the transfer of the case to the High Court was "expedient for the ends of justice".

Held, dismissing the application: the High Court will not hesitate to transfer a criminal case from a lower court to itself where there are good grounds for doing so. In this application there was no compelling ground for making the order.

Per Choor Singh J.: "It is the duty of the High Court to create and maintain confidence in the administration of justice. Special facilities for a trial or trial by a special judge or a special court is apt or at least is capable of being used to destroy that confidence and except where the supreme needs of justice require it, the ordinary course of justice is best left untouched. On the other hand no person should be allowed to undergo a trial by a district judge or magistrate of whom he has reasonable apprehension of being biased but not because the judicial officer is in his opinion incompetent or incapable of properly performing his duty." (*Post* p. 196 C *I*)

Case referred to:-

(1) *T. T. Rajah* v. *R.* [1963] M.L.J. 231.

CRIMINAL MOTION.

J. Grimberg for the applicants.

A. W. Ghows (Solicitor-General) for the respondent.

Choor Singh J., (delivering oral judgment): This is an application to transfer three arrest cases and five summons cases from the First District Court to the High Court. The application is made on two grounds. The first ground is that questions of law of unusual difficulty are likely to arise in those proceedings before the First District Court. This ground is based on the provisions of section 177(1)(b) of the Criminal Procedure Code. When the Criminal Procedure Code was first enacted in 1873, magistrates' courts which were then known as police courts were presided over by officers who had no legal training nor any legal qualifications. Paragraph (b) of section 177(1) was in those days of considerable importance as it could be invoked by a party to the proceedings before a police court when some question of law of unusual difficulty was likely to arise. The position today is quite different. All subordinate courts in Singapore are presided over by officers who are legally qualified and in consequence paragraph (b) has lost its importance. For example, the officer who is now presiding over the First District Court is not only a barrister-at-law but also an advocate and solicitor of the Supreme Court of some 15 years standing.

Counsel for the applicants has made much of the fact that questions of law of unusual difficulty are likely to arise in the trial before the First District Court and that for that reason it is desirable that the trial should take place before the High Court. Since our Criminal Procedure Code allows an appeal and also a revision application in respect of any conviction by a district court, the High Court should in my opinion be loathe to transfer a case from a subordinate court to itself on the ground that difficult questions of law are likely to arise in the case. In the present case there appears to be some apprehension in the minds of the applicants that the First District Court may take an erroneous view of the law. Such apprehension is not supported by any evidence and is therefore groundless. Furthermore, the applicants can rest assured that if the First District Court errs on any point of law or makes some other mistake whether of law or of fact such mistake can be and will be put right by this court on appeal or revision.

Reference has been made to the case of *T. T. Rajah* v. *Regina*,[1] which in my opinion is of no help to the applicants because in that case the application was made on a number of grounds and at the hearing of the application for the transfer of the case to the High Court, the learned Solicitor-General who appeared for the respondent intimated to the court that the Crown would not oppose the application on the ground that a fair and impartial trial could not be had in any of the criminal district courts. In

the present case the application is strongly opposed by the Solicitor-General.

There is also the decision in Criminal Motion No. 10 of 1966 which is unreported. I am grateful to the learned Solicitor-General for bringing it to my notice. In that matter, the application for the transfer of the case from the district court to the High Court was made by the Public Prosecutor on the ground that questions of law of unusual difficulty were likely to arise at the trial. Suffice it to say that the application was refused by the High Court.

The second ground on which the application is made is based on paragraph (e) of section 177(1) which provides that whenever it is made to appear to the High Court that an order for the transfer of the case to the High Court is expedient for the ends of justice it may order the case to be so transferred. The expression "expedient for the ends of justice" is very wide and may embrace grounds, outside the other clauses of section 177(1), which may indicate the necessity of a transfer to secure justice and a fair trial but no other such ground has been advanced by the applicants.

It is the duty of the High Court to create and maintain confidence in the administration of justice. Special facilities for a trial or trial by a special judge or a special court is apt or at least is capable of being used to destroy that confidence and except where the supreme needs of justice require it, the ordinary course of justice is best left untouched. On the other hand no person should be allowed to undergo a trial by a district judge or magistrate of whom he has reasonable apprehension of being biased but not because the judicial officer is in his opinion incompetent or incapable of properly performing his duty.

The High Court will not hesitate to transfer a criminal case from a lower court to itself where there are good grounds for so doing. In this application, I can find no compelling ground for making the order which the applicants seek and the application is therefore dismissed.

Application dismissed.

Solicitors: *Drew & Napier.*

SHUM WAI TONG & ANOR. v. PUBLIC PROSECUTOR

[C.C.A. (Wee Chong Jin C.J., Chua and Choor Singh JJ.) March 9, 1972]

[Singapore — Criminal Appeal No. 16 of 1970]

Penal Code (Cap. 119, 1955 Ed.), ss. 34 and 489A — Currency notes — Forging or counterfeiting of, in furtherance of a common intention.

Evidence — Accomplice — Corroboration of.

The two appellants were tried before the High Court, convicted and each was sentenced to 8 years imprisonment, under section 489A of the Penal Code for counterfeiting currency notes, to wit, Malaysian $50 notes to the value of approximately $70,000, in furtherance of the common intention of both of them.

They appealed against the conviction and sentence.

The only evidence against the second appellant was that of an accomplice. So far as the second appellant was concerned, the accomplice's evidence was uncorroborated, and this the learned trial judge recognised although he had found that there were "some elements of corroboration".

In the case of the first appellant, the apparatus used for the counterfeiting process were found both in his business premises and his flat.

Held: (1) as there was clear corroboration of the accomplice's evidence against the first appellant, therefore the learned trial judge was justified, on all the evidence before him, in finding the first appellant guilty and therefore his appeal against conviction should be dismissed and sentence confirmed;

(2) on the evidence, the conviction against the second appellant could not stand and therefore his appeal should be allowed, and the conviction and sentence set aside.

COURT OF CRIMINAL APPEAL.

Dato' David Marshall for the appellants.

Michael Khoo Kah Lip (Deputy Public Prosecutor) for the respondent.

Chua J., (delivering the judgment of the court): The two appellants were tried before the High Court, convicted and each was sentenced to 8 years imprisonment on the following charge:

"That you, Shum Wai Tong and Oh Ah Kai, on or about the 27th day of January, 1969, at No. 243, Victoria Street, Singapore, in furtherance of the common intention of both, did counterfeit currency notes to wit, Malaysian $50 notes to the value of approximately $70,000 and thereby committed an offence punishable under section 489A of the Penal Code read with section 34 of the said Code."

They now appeal against their conviction and sentence.

The first appellant, Shum Wai Tong, is the proprietor of Sin Kwong Press at 243 Victoria Street, Singapore. The second appellant, Oh Ah Kai, was the service manager employed by the East Asiatic Co. Ltd., in Singapore, and was responsible for the installation, maintenance and repair to Heidelberg offset printing machines sold by the company.

The principal prosecution witness at the trial was Sim Kheng Chiang a businessman from Sarawak. His evidence was shortly this. He met the second appellant casually in a plane from Sibu to Miri. They exchanged visiting cards and he told the second appellant that he usually stayed at the South East Asia Hotel in Waterloo Street whenever he made his trips to Singapore and that he could be contacted there.

Sometime in the early part of 1968, he was in Singapore and the second appellant paid him a visit at the South East Asia Hotel. The second appellant suggested a business arrangement. A few days later the second appellant introduced him to the first appellant. At the beginning he was asked to give a loan of about $40,000 in order to enable the first appellant to buy an offset printing machine from the East Asiatic Co. Ltd. to print diaries, which could be sold at a good profit. He put them off saying that he would have to consider this proposition, but some